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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/515,060 02/28/00 JOAO

R RJ110

EXAMINER

TM02/1116

Raymond A. Joao Esquire
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Yonkers NY 10703

FIELD NO.

ART UNIT

PAPER NUMBER

2153
DATE MAILED:

11/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/515,060

Applicant(s)

Joao

Examiner
Kenneth Fields

Group Art Unit
2153



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 2, 3, 10, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, 18 and 19 set forth the phrase “educational material review” and “said measure of review.” It is unclear what is meant by this statement.

Claim 10 sets forth that the processing device “determines whether the individual has ... satisfied formal requirements related to said educational material.” It is unclear what is meant by “formal requirements.”

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11, 12 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houstis et al (*Internet, Education, and the Web*) in view Dunn et al (US 5,721,829).

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Houstis discloses an apparatus for providing education services in a computer network environment, comprising a central processing device for processing a request by an individual to receive educational material, a memory device for storing the educational material; a transmitter for transmitting the educational material to the individual including audio and video information; and a receiver for receiving a transmission termination signal from the individual (pgs 27 and 28).

Houstis does not disclose a processing device which one of identifies, records, and stores a first location, wherein said first location is the location in the material where the transmission of the education material terminated, and further wherein a subsequent transmission of said material to the individual commences from a second location which is located before said first location such that at least a portion of the material is re-transmitted to the individual.

Dunn discloses a processing device which one of identifies, records, and stores a first location, wherein said first location is the location in the material where the transmission of the education material terminated, and further wherein a subsequent transmission of said material to the individual commences from a second location which is located before said first location such that at least a portion of the material is re-transmitted to the individual; wherein the material is marked and a transmitter transmits information regarding the second location to the user; the second location being computed prior to a subsequent transmission (col. 7, line 63 - col. 8, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Houstis with the ability to begin a subsequent transmission by

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retransmitting a portion of the material previously transmitted to the user as disclosed by Dunn. The rationale is as follows: it would have been desirable to enable a user to start and stop the transmission of material, whereby upon the subsequent transmission the user's memory was refreshed by replaying a portion of the material that had been previously transmitted. As Dunn teaches the desirability of retransmitting a portion of the material previously transmitted, one of ordinary skill in the art would have been motivated by Dunn's teaching to provide the remote education system of Houstis with the ability to start and stop a transmission, whereby the start of the subsequent transmission included a portion of the material previously transmitted, thereby refreshing the user's memory.

Houstis does not disclose a video recording device for video conferencing. Official notice is taken that video devices utilized for video conferencing are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote education system of Houstis with video conferencing equipment, thereby providing the students with the option of interacting with a professor while a lecture was being conducted.

Houstis also does not disclose a financial transaction being processed by the processor related to the educational material. Official notice is taken that the ability to process financial transactions through a networked computer system (e.g., the Internet) is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote education system of Houstis with the ability to process financial

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thereby enabling students to pay for courses and/or course materials directly through the networked computer system.

4. Claims 10, 13, 14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houstis et al (*Internet, Education, and the Web*) in view Dunn et al (US 5,721,829) as applied in paragraph 3 above, and further in view of Goldberg (*World Wide Web - Course Tool: An Environment for Building WWW-Based Courses*).

Houstis does not disclose the tracking of the student's progress as specifically claimed. Goldberg discloses means for determining whether an individual has progressed through educational material; means for determining whether the individual has submitted assignments; means for determining whether the individual has taken examinations; means for generating a signal which is transmitted to the individual, wherein the signal contains information regarding at least one of a course, lecture or program (pages 12-13); a memory device for storing such information, a processor for processing the request to obtain the individuals's status or progression, wherein data is generated which contains information indicative of the individual's status or progression (quiz results) and a transmitter for transmitting information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote education system of Houstis with the ability to track a student's progress as disclosed by Goldberg. The rationale is as follows: it would have been desirable to track a student's work, assignments and examinations in order to give both the instructor and

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student feedback regrading the student's progress. As Goldberg teaches the desirability of monitoring a student's work, assignments and examinations, one of ordinary skill in the art would have been motivated by Goldberg's teaching to provide the remote education system of Houstis with the ability to track the student's progress, thereby providing a system which informed the student and teacher as to the how well the student was performing.

Conclusion

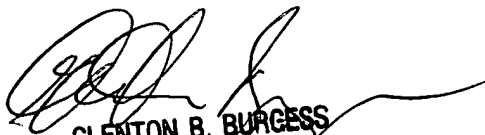
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagasaka et al (US 5,818,439) discloses a viewing system which allows you to resume transmission from a point previously transmitted to the user (col. 13, lines 23-27).

6. Any inquiry concerning this communication of earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

KF

Kenneth Fields
November 7, 2000


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)

(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).